

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: SHARON E. FRASE (SF-4906)
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel. (212) 637-2329

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

:

DECLARATION IN SUPPORT
OF DEFAULT JUDGMENT

\$16,793 IN UNITED STATES CURRENCY, :

08 Civ. 881 (LTS)

Defendant-in-rem. :

-----X

SHARON FRASE, pursuant to 28 U.S.C. § 1746, declares
under penalty of perjury as follows:

1. I am an Assistant United States Attorney in the
Office of Michael J. Garcia, United States of Attorney for the
Southern District of New York, attorney for plaintiff herein. I
have responsibility for the above-captioned matter, and as such, I
am familiar with the facts and circumstances of this proceeding.
This declaration is submitted in support of plaintiff's request for
a default judgment in the above-captioned case.

2. On January 24, 2008, the United States commenced a
civil action for the forfeiture of the above-referenced defendant-
in-rem by filing a Verified Complaint. A copy of the Verified
Complaint is attached hereto as Exhibit A and is fully incorporated
by reference herein.

3. On January 28, 2008 a notice letter of the Verified Complaint was sent by certified mail, return receipt requested, to Barry A. Weinstein, Esq., Goldstein & Weinstein, as attorney for claimant Juan Navarro, 888 Grand Concourse, Bronx, New York, 10451. Juan Navarro is the only person known by the Government to have a potential interest in the defendant-in-rem. A copy of the notice letter is attached hereto as Exhibit B.

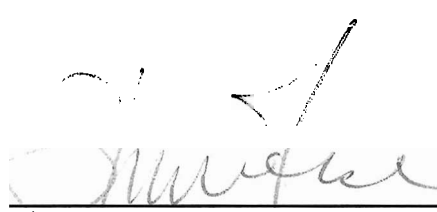
4. Notice of the Verified Complaint and in rem warrant against the defendant-in-rem was published in the New York Post once in each of the three successive weeks beginning on February 27, 2008. Proof of such publication was filed with the Clerk of this Court on April 29, 2008. A copy of this proof of publication is attached hereto as Exhibit C.

5. No claims or answers were filed or made in this action, and no parties have appeared to contest the action to date, and the requisite time periods have expired.

6. Accordingly, the Government requests that the Court enter the proposed Default Judgment.

7. No previous application for the relief requested herein has been sought.

Dated: New York, New York
May 20, 2008



SHARON FRASE
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel. (212) 637-2329

3. The defendant-in-rem currency is presently in the custody of the United States Marshals Service ("USMS") Seized Asset Deposit Fund Account held at the Federal Reserve Bank.

II. PROBABLE CAUSE FOR FORFEITURE

4. On or about July 3, 2007, agents with the United States Drug Enforcement Administration and other law enforcement officers seized, pursuant to a consent search, the defendant-in-rem currency from Juan Navarro's apartment in Bronx County, New York.

5. Prior to the seizure of the defendant-in-rem currency, law enforcement officers received information from a confidential source that an individual known as Juan Hernandez-Sanchez was involved in laundering the proceeds of illegal narcotics sales. As a result of the information obtained from the confidential source, law enforcement officers observed Hernandez-Sanchez on July 3, 2007, enter 1130 Pelham Parkway South, Apartment 6G, Bronx, New York, which was later determined to be the residence of the claimant, Juan Navarro ("Navarro Apartment"). When Hernandez-Sanchez went into the Navarro Apartment, he was not carrying anything.

6. Hernandez-Sanchez subsequently left the Navarro Apartment with a bag. Hernandez-Sanchez was stopped by law enforcement officers and consented to a search of the bag, which was found to contain approximately \$200,000 in United States currency.

7. After searching the bag Hernandez-Sanchez was carrying, law enforcement officers proceeded to the Navarro Apartment, where they conducted a search pursuant to a written consent form signed by Navarro. During the search law enforcement officers found the following: (a) \$10,050 in United States currency, located in the bedroom night-stand; (b) \$6,003 in United States currency, located under the bed; and (c) \$740 in United States currency, located in a closet in the apartment.

8. On or about September 21, 2007, the Internal Revenue Service received a Seized Asset Claim Form from Juan Navarro, claiming that the defendant-in-rem currency was money that he earned while working.

III. FIRST CLAIM FOR FORFEITURE

9. Incorporated herein are the allegations contained in paragraphs one through eight of the Verified Complaint.

10. Title 18, United States Code, Section 981(a)(1)(A) subjects to forfeiture "[a]ny property, real or personal, involved in a transaction or attempted transaction in violation of section 1956, 1957 or 1960 of this title, or any property traceable to such property."

11. By reason of the above, the defendant-in-rem currency is subject to forfeiture to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(A), because there is probable

cause to believe that the defendant-in-rem currency constitutes property derived from laundering of money instruments, in violation of Title 18 United States Code, section 1956.

IV. SECOND CLAIM FOR FORFEITURE

12. Pursuant to 21 U.S.C. § 881(a)(6), all moneys furnished or intended to be furnished in exchange for a controlled substance, all proceeds traceable to such exchanges, and all moneys used or intended to be used to facilitate such exchanges, in violation of Title 21 of the United States Code, are subject to seizure and forfeiture to the United States, and no property right exists in such proceeds.

13. The defendant-in-rem currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because there is probable cause to believe that it constitutes moneys intended to be furnished in exchange for a controlled substance, and/or proceeds traceable to such exchanges, and/or moneys used or intended to be used to facilitate such exchanges, in violation of Title 21 of the United States Code.

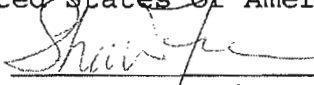
14. By reason of the above, the defendant-in-rem currency became, and is, subject to forfeiture to the United States of America, pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the defendant-in-rem currency and that all persons having an interest in the defendant-

in-rem currency be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the defendant-in-rem currency to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York
January 24, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the Plaintiff
United States of America


By: 
SHARON E. FRASE (SF-4906)
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Telephone: (212) 637-2329

VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK)
SOUTHERN DISTRICT OF NEW YORK)

KURT HEINRICH, being duly sworn, deposes and says that he is a Special Agent with the Internal Revenue Service, and as such has responsibility for the within action; that he has read the foregoing complaint and knows the contents thereof, and that the same is true to the best of his own knowledge, information and belief.

The sources of deponent's information and the grounds of his belief are from official records and files of the Internal Revenue Service, the State of New York, the United States Government, and information obtained directly by deponent during an investigation of alleged violations of Titles 18 and 21, United States Code.


KURT HEINRICH
Special Agent
Internal Revenue Service

Sworn to before me this
24th day of January 2008

NOTARY PUBLIC

MARCO DASILVA
Notary Public, State of New York
No. 01DA6145603
Qualified in Nassau County
My Commission Expires May 8, 2010

U.S. Department of Justice



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 28, 2008

CERTIFIED MAIL-RETURN
RECEIPT REQUESTED

Barry A. Weinstein, Esq.
Attorney For Juan Navarro
Goldstein & Weinstein
888 Grand Concourse
Bronx, NY 10451

Re: U.S. v. \$16,793 in UNITED STATES CURRENCY
08 Civ. 881

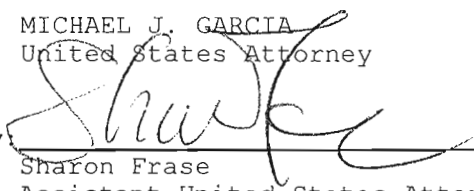
Dear Mr. Weinstein:

This letter is to advise you that on January 24, 2008, the United States commenced a civil action in the United States District Court for the Southern District of New York seeking the forfeiture of the above-referenced property pursuant to 18 U.S.C. § 981(a)(1)(A) and 21 U.S.C. § 881(a)(6). A copy of the complaint in this action is enclosed.

Should your client wish to contest the forfeiture, you must do so by filing a claim pursuant to Rule G of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure with the Clerk of the Court no later than thirty five (35) days of the date of this letter. Thereafter, within twenty (20) days after filing a claim, you must file your answer to the complaint. This procedure must be followed regardless of any petition for the remission or mitigation of forfeiture which you may have pending, and failure to do so could result in the entry of a default judgment against the property.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney

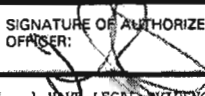
By: 
Sharon Frase
Assistant United States Attorney
Tel. No.: (212) 637-2329
Fax No.: (212) 637-0421

Enclosure

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Received by (Please Print Clearly) B. Date of Delivery 1/30	
1. Article Addressed to: Barry A. Weinstein, Esq. Goldstein & Weinstein 888 Grand Concourse Bronx, NY 10451		C. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Copy from service label) 7003 2260 0000 4029 0140			
PS Form 3811, July 1999		Domestic Return Receipt 102595-00-M-0952	

U.S. Postal Service TM	
CERTIFIED MAILTM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To Barry A. Weinstein, Esq. Goldstein & Weinstein 888 Grand Concourse Bronx, NY 10451	
PS Form 3800, June 2002 See Reverse for Instructions	

Department of the Treasury
Federal Law Enforcement Agencies
PROCESS RECEIPT AND RETURN

PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER 08 Civ. 0881	
DEFENDANT \$16,793 in United States Currency		TYPE OF PROCESS Publish Notice	
SERVE AT	John Ricupero 290 Broadway, 4th Fl, NY, NY 10007		
Send NOTICE OF SERVICE copy to Requester: U.S. ATTORNEY'S OFFICE- SDNY ONE SAINT ANDREWS PLAZA NEW YORK, NEW YORK 10007 ATTN: Tony Dulgerian		Number Of Process To Be Served In This Case.	
		Number Of Parties To Be Served In This Case.	
		Check Box If Service Is On USA	
SPECIAL INSTRUCTIONS or OTHER INFORMATION TO ASSIST IN EXPEDITING SERVICE AFTRAK #s: 13070121, 13070122, 13070123			
Please publish the following for one week for three consecutive weeks in a newspaper of general circulation. Please return to FSA Law Clerk Tony Dulgerian, 212-637-2404			
Signature of Attorney or other Originator requesting service on behalf of AUSA Sharon Frase		[X] Plaintiff [] Defendant	Telephone No. 212-637-2329
		Date January 25, 2008	
SIGNATURE OF PERSON ACCEPTING PROCESS:			Date
SPACE BELOW FOR USE OF TREASURY LAW ENFORCEMENT AGENCY			
I acknowledge receipt for the Total # of Process Indicated.	District of Origin No. 13	District to Serve No. 13	SIGNATURE OF AUTHORIZED TREASURY AGENCY OFFICER: 
Date 3/27/08			
I hereby Certify and Return That I [] PERSONALLY SERVED, [] HAVE LEGAL EVIDENCE OF SERVICE, [] HAVE EXECUTED AS SHOWN IN "REMARKS", the Process Described on the Individual, Company, Corporation, Etc., At The Address Shown Above or at the Address Inserted Below.			
[] I HEREBY CERTIFY AND RETURN THAT I AM UNABLE TO LOCATE THE INDIVIDUAL, COMPANY, CORPORATION, ETC. NAMED ABOVE.			
NAME & TITLE of Individual Served if not shown above: J. Pollard Forfeiture Specialist		[] A Person of suitable age and discretion then residing in the defendant's usual place of abode.	
ADDRESS: (Complete only if different than shown above.)		Date of Service	Time of Service [] AM [] PM
		Signature, Title and Treasury Agency	
REMARKS: Ad was Published - See Attache Sheet			

TD F 90-22.48 (6/96)

Make (5) copies after form is signed. SEND ORIGINAL + 4 COPIES to TREASURY AGENCY. Retain Copy #5 for your file.

RETURNED COPY

State of New York
COUNTY OF NEW YORK

SS:

625054

INGRID CHRISTIANI

being duly sworn
says that he/she is the principal Clerk of the Publisher of the

New York Post

a daily newspaper of general circulation printed and published in the English language, in the County of New York, State of New York; the advertisement hereto annexed has been regularly published in the said "NEW YORK POST" once,

on the 27 day of February, 2008

on the 05 day of March, 2008

on the 12 day of March, 2008

**USA-336-100-NOTICE OF CIVIL
FORFEITURE PROCEEDING**
Rev. 11/94

**UNITED STATES DISTRICT COURT:
SOUTHERN DISTRICT OF
NEW YORK**

On January 24, 2008, the United States of America commenced a civil action demanding forfeiture thereof pursuant to 18 U.S.C. § 981(a)(1)(A) and 21 U.S.C. § 881(a)(6) for \$16,793.00 in United States Currency.

Notice is hereby given that all persons claiming the same or knowing or having anything to say why the same should not be forfeited pursuant to the prayer of said complaint, must file their claim in accordance with Rule G from the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions with the Clerk of the Court, in Room 120, United States Court House, 500 Pearl Street, New York, New York, by April 11, 2008, which is 30 days after the last publication of this action or within such additional time as may be allowed by the Court, and must serve their answers within 20 days after the filing of their claims, or default and forfeiture will be ordered. Any person with an interest in the property may also wish to file a petition for remission or mitigation of the forfeiture, as provided for in Title 28, Code of Federal Regulations, and failure to file such a petition may affect any rights that a person claiming an interest in the property may have with respect to this property.

FOR NOTICE OF PUBLICATIONS GO
TO: WWW.FORFEITURE.GOV

On December 1, 2006, Rule G of the Supplemental Rules for Certain Admiralty and Maritime Claims, part of the Federal Rules of Civil Procedure, became effective. This new rule now governs procedures for civil and criminal asset forfeiture actions in the federal courts.

Notice of judicial forfeiture actions has traditionally been published in newspapers. The new rule now permits publication of forfeiture notices on a government Internet site (www.forfeiture.gov), and this site incorporates these forfeiture notices that have been traditionally published in newspapers.

This site is currently fully operational, civil and criminal forfeiture notices will continue to be published in newspapers for a period of time before newspaper publication is eventually abandoned in favor of this website. The website contains a comprehensive list of pending notices of both civil and criminal forfeiture actions in United States District Courts around the country.

Dated: New York, New York,
February, 2008

MICHAEL J. GARCIA
United States Attorney

Ingrid Christiani

Sworn to before me this

12th day of March 2008

BYRON STEVENS
Notary Public, State of New York
No. 01ST6117803

Notary Public
Qualified in New York County
Commission Expires November 1, 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- v. -

\$16,793 IN UNITED STATES CURRENCY,

Defendant-in-rem.

**DECLARATION IN SUPPORT OF DEFAULT JUDGMENT
08 Civ.881 (LTS)**

MICHAEL J. GARCIA
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Southern District of New York
Attorney for the United States of America
One St. Andrew's Plaza
New York, New York 10007

SHARON FRASE
Assistant United States Attorney
-Of Counsel-